IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

RSA.No. 712 of 2005()

AS.222/2002 of II ADDL.SUB COURT,KOZHIKODE
OS.704/1997 of ADDL.M.C.-II,KOZHIKODE

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APPELLANT/APPELLANT/DEFENDANT:

AYANIKKATT PORUR BALAKRISHNAN,
AGED 56 YEARS, S/O. IMBICHUNNI, RESIDING AT
OLAVANNA AMSOM, DESOM, KOZHIKODE TALUK.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENT/RESPONDENT/PLAINTIFFS:

EDATHIL THODIKAYIL PERACHAKUTTY,
AGED 66 YEARS, S/O. RAMUTTY, RESIDING AT CHULOOR
AMSOM, DESOM, POST R.E.C. KOZHIKODE TALUK.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.1414/07 & 1337/05 IN RSA 712/05

DISMISSED

15/3/2007

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

R. S.A.NO.712 OF 2005

Dated 15th March 2007

J U D G M E N T

Second appeal is filed challenging the concurrent decree for recovery of possession of plaint schedule property after demolishing the structure raised therein from the possession of appellant. Appellant filed I.A.568/07 to dismiss the appeal granting six months' time to demolish and surrender vacant possession of the plaint schedule property. Learned counsel appearing for respondent argued that both courts have granted decree and there is no reason to grant further time to vacate. On hearing learned counsel appearing for appellant and respondent it is only in the interest of justice to grant the time sought for by the appellant. I.A.568/07 is allowed.

R.S.A.712/05 is dismissed. Appellant is granted six months' time from today to surrender vacant position of the building after demolishing the structure raised therein. No cost.

M.SASIDHARAN NAMBIAR,

JUDGE.

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